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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,326	02/28/2002	Vincent Armentano	SPLT-PO1-010	6749
28120	7590 06/28	006	EXAMINER	
FISH & NE	EAVE IP GROUP	GILLIGAN, CH	GILLIGAN, CHRISTOPHER L	
ROPES & G	RAY LLP RNATIONAL PLAC	ART UNIT	PAPER NUMBER	
	BOSTON, MA 02110-2624			
			DATE MAILED: 06/28/200	16

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/084,326	ARMENTANO ET AL.	
Office Action Summary	Examiner	Art Unit	
	Luke Gilligan	3626	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
1) ☐ Responsive to communication(s) filed on 28 F  2a) ☐ This action is FINAL. 2b) ☐ This  3) ☐ Since this application is in condition for alloware closed in accordance with the practice under E	s action is non-final.  nce except for formal matters, pro		
Disposition of Claims		·	
<ul> <li>4) ☐ Claim(s) 1-20 is/are pending in the application 4a) Of the above claim(s) is/are withdray</li> <li>5) ☐ Claim(s) is/are allowed.</li> <li>6) ☐ Claim(s) is/are rejected.</li> <li>7) ☐ Claim(s) is/are objected to.</li> <li>8) ☐ Claim(s) 1-20 are subject to restriction and/or expressions.</li> </ul>	wn from consideration.	·	
Application Papers			
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the Education of the Education of the Idea of the I	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Application rity documents have been receive u (PCT Rule 17.2(a)).	on No ed in this National Stage	
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:		

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## Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-12, drawn to performing automated medical assignment of insurance claims, classified in class 705, subclass 3.
- II. Claims 13-20, drawn to performing automated medical referral and manual medical referral of insurance claims, classified in class 705, subclass 4.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as automatically determining whether medical assignment of an insurance claim is warranted and forwarding the claim to an integrated case management system of the assignment is warranted. Subcombination II has separate utility such as automatically determining whether medical referral of an insurance claim is warranted and providing the option to perform a manual medical referral of the insurance claim. Although the specification indicates that the subcombinations can be used together, they each have separate utility as well. See MPEP § 806.05(d).
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, as well as requiring a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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5. The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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- 6. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.
- 9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/21/06

C. LUKE GILLIGAN PATENT EXAMINER